

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. 13-2894-M

Date November 4, 2013

Present: The Honorable CHARLES F. EICK

Interpreter

*Deputy Clerk**Court Reporter/Recorder**Assistant U.S. Attorney*U.S.A. v. Defendant(s):Present Cust. BondAttorneys for Defendants:Present App. Ret.

PAUL ANTHONY CIANCIA

Proceedings: IN CHAMBERS

On Saturday, November 2, 2013, Plaintiff United States of America ("the Government") filed a Criminal Complaint against Defendant Paul Anthony Ciania ("the Defendant"), who presently is hospitalized for the treatment of gunshot wounds. The Criminal Complaint charges Defendant with felonies. On Sunday, November 3, 2013, the Federal Public Defender submitted to the Magistrate Judge an "Unopposed [sic] Ex Parte Application for an Order Provisionally Appointing the Federal Public Defender, etc." ("the Application"), seeking a provisional appointment to represent Defendant. The Application is ordered filed. Also on Sunday, November 3, 2013, the Government submitted to the Magistrate Judge documents in opposition to the Application. These documents are also ordered filed. On November 4, 2013, the Federal Public Defender filed a document substantively identical to the Application. Also on November 4, 2013, the Federal Public Defender filed a "Reply, etc." Finally, on November 4, 2013, the Government filed "Government's Opposition, etc.," which is substantively identical to the documents the Government submitted on November 3, 2013. The Magistrate Judge has read and considered all documents submitted or filed in this case, including all documents submitted or filed in support of and in opposition to the Application. The Magistrate Judge has taken the Application under submission without oral argument.

This Court's General Order No. 13-06 ("the General Order"), filed August 1, 2013, sets forth procedures to be followed "in the event that a defendant has been arrested, either with or without a warrant, and the defendant cannot be brought to the court for arraignment and other preliminary proceedings due to a medical condition." The General Order directs that, after notification of such a defendant's arrest, "if appropriate, a Magistrate Judge shall promptly appoint the Office of the Federal Public Defender to represent the defendant for purposes of insuring compliance with Rule 5 of the Rules of Criminal Procedure and this Order." The General Order contemplates that the appointment may take place without a "full inquiry into the financial eligibility of the defendant." The General Order provides that the attorney appointed to represent the defendant shall have responsibility, *inter alia*, "to monitor the defendant's medical condition and to notify the Criminal Complaints Section of the U.S. Attorney's Office and the Clerk when the defendant has received medical clearance to be released from the hospital or be transported to the Court for preliminary proceedings."

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In accordance with the General Order, it appears that the appointment of the Office of the Federal Public Defender to represent Defendant is appropriate under the present circumstances. See also General Order No. 13-09 (requiring that counsel be provided for all financially eligible persons “charged with a felony,” and directing that counsel for such persons be provided “as soon as feasible after they are taken into custody, when they appear before a district judge or magistrate judge, when they are formally charged or notified of charges if formal charges are sealed, or when a district judge or magistrate judge otherwise considers appointment of counsel appropriate under the CJA [Criminal Justice Act of 1964], whichever occurs earliest”) (emphasis added); Former General Order 98-06 (same, for this purpose). Therefore, the Application is granted. It is ordered that the Office of the Federal Public Defender is provisionally appointed to represent Defendant.

